(2) Liquid net assets;

(3) Fixed debts and obligations, including Federal and local taxes, and medical expenses;

(4) Child care, transportation, and other expenses necessary for employment;

(5) Age or physical infirmity of resident family members;

(6) The cost of obtaining private legal representation with respect to the particular matter in which assistance is sought;

(7) The consequences for the individual if legal assistance is denied; and

(8) Other factors related to financial inability to afford legal assistance, which may include evidence of a prior administrative or judicial determination that the person's present lack of income results from refusal or unwillingness, without good cause, to seek or accept suitable employment.

(c) A recipient may provide legal assistance to a group, corporation, or association if it:

(1) Is primarily composed of persons eligible for legal assistance under the act, or

(2) Has as its primary purpose furtherance of the interests of persons in the community unable to afford legal assistance, and

(3) Provides information showing that it lacks, and has no practical means of obtaining, funds to retain private counsel.

§1611.6 Manner of determining eligibility.

(a) A recipient shall adopt a simple form and procedure to obtain information to determine eligibility in a manner that promotes the development of trust between attorney and client. The form and procedure adopted shall be subject to approval by the Corporation, and the information obtained shall be preserved, in a manner that protects the identity of the client, for audit by the Corporation.

(b) If there is substantial reason to doubt the accuracy of the information, a recipient shall make appropriate inquiry to verify it, in a manner consistent with an attorney-client relationship.

(c) Information furnished to a recipient by a client to establish financial eligibility shall not be disclosed to any person who is not employed by the recipient in a manner that permits identification of the client, without the express written consent of the client.

§1611.7 Change in circumstances.

If an eligible client becomes ineligible through a change in circumstances, a recipient shall discontinue representation if the change in circumstances is sufficiently likely to continue for the client to afford private legal assistance, and discontinuation is not inconsistent with the attorney's professional responsibilities.

APPENDIX A.—*Guidelines for all States excluding Alaska and Hawaii*

Size of family unit	Amount
1	$3,925
2	5,200
3	6,475
4	7,750
5	9,025
6	10,300

For family units with more than six members, add $1,275 for each additional member.

Guidelines for Alaska

Size of family unit	Amount
1	$4,925
2	6,513
3	8,100
4	9,688
5	11,275
6	12,863

For family units with more than six members, add $1,588 for each additional member.

Guidelines for Hawaii

Size of family unit	Amount
1	$4,525
2	5,988
3	7,450
4	8,913
5	10,375
6	11,838

For family units with more than six members, add $1,463 for each additional member.

ALICE DANIEL,
General Counsel,
Legal Services Corporation.

[FR Doc. 78-20748 Filed 7-26-78; 8:45 am]

[6820-35]

PART 1611—ELIGIBILITY

Revision of Specified Income Levels

AGENCY: Legal Services Corporation.

ACTION: Final rule; corrected amendment.

SUMMARY: The Legal Services Corporation is required by law to establish maximum income levels for individuals eligible for legal assistance. This document revises specified income levels to reflect amendments to the official poverty threshold as defined by the Office of Management and Budget.

EFFECTIVE DATE: June 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Barbara Allen, Legal Services Corporation, 733 15th Street NW., Suite 700, Washington, D.C. 20005, 202-376-5113.

SUPPLEMENTARY INFORMATION: Section 1007(a)(2) of the Legal Services Corporation Act, 42 U.S.C. 2996f(a)(2), requires the Corporation to establish maximum income levels for individuals eligible for legal assistance, and the act provides that income shall be taken into account along with other specified factors. Section 1611.3(b) of Corporation regulations establishes a maximum income level equivalent to one-hundred and twenty-five percent (125%) of the official poverty threshold as defined by the Office of Management and Budget. That definition was revised on April 5, 1978. The Legal Services Corporation published a revised appendix listing maximum income levels on June 26, 1978 (43 FR 27534). As published, the figures for Alaska and for Hawaii were inadvertently reversed. The correct figures for all States are as follows:

GUIDELINES FOR ALL STATES EXCLUDING ALASKA AND HAWAII

Size of family unit	Amount
1	$3,925
2	5,200
3	6,475
4	7,750
5	9,025
6	10,300

For family units with more than six members, add $1,275 for each additional member.

GUIDELINES FOR ALASKA

Size of family unit	Amount
1	$4,925
2	6,513
3	8,100
4	9,688
5	11,275
6	12,863

For family units with more than six members, add $1,588 for each additional member.

GUIDELINES FOR HAWAII

Size of family unit	Amount
1	$4,525
2	5,988
3	7,450
4	8,913
5	10,375
6	11,838

For family units with more than six members, add $1,463 for each additional member.

ALICE DANIEL,
General Counsel,
Legal Services Corporation.

[FR Doc. 78-20783 Filed 7-26-78; 8:45 am]

[6820-35]

PART 1614—LEGAL ASSISTANCE TO JUVENILES

AGENCY: Legal Services Corporation.

ACTION: Repeal of regulation.

SUMMARY: Section 10 of the Legal Services Corporation Act Amendments of 1977, Pub. L. 95-222, repealed the restriction on juvenile representation formerly contained in section 1007(b)(4) of the act. There is, therefore, no longer a basis for part 1614 of the regulations, which is hereby repealed.

DATES: Effective on August 28, 1978.

ADDRESS: Legal Services Corporation, 733 15th Street NW., Suite 700, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT:

Stephen S. Walters, 202-376-5113.

ALICE DANIEL,
General Counsel,
Legal Services Corporation.

[FR Doc. 78-20838 Filed 7-26-78; 8:45 am]

[1505-01]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER C—HAZARDOUS MATERIALS REGULATION

PART 172—HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATION REGULATIONS

CFR Correction

In the October 1, 1977, edition of the Code of Federal Regulations, Title 49, Parts 100-199, a page was omitted at the end of the hazardous materials table in § 172.101. The last entry of the table is shown as "Waste textile, wet" and subsequent alphabetical entries have been omitted.

An errata sheet has been printed and is available to those people who have already purchased their copy of the code by contacting the: Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

Copies purchased in the future will be accompanied by the errata sheet.

[4910-59]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-5; Notice 3]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Headlamps

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule.

SUMMARY: This notice establishes an alternate performance standard for most motor vehicle headlamps which would allow candlepower output on the upper beam to be double the amount currently permitted. It also establishes a marking code for identification and certification of the new headlamps. It also requires that headlamps be adjustable without the necessity of removing trim rings or other ornamental parts. The amendment is issued under the National Traffic and Motor Vehicle Safety Act which requires the issuance of appropriate safety standards. This standard will allow the production of headlamps, both as original and aftermarket equipment, that provide the driver with an increase in seeing distance, and that are marked to insure compatibility of replacement.

EFFECTIVE DATES: The photometric portion of the amendment is effective upon publication in the FEDERAL REGISTER. Lens marking and certification requirements are effective July 1, 1979. The headlamp adjustability requirement is effective October 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Bill Eason, Office of Rulemaking, National Highway Safety Traffic Administration, Washington, D.C., 202-426-2720.

SUPPLEMENTARY INFORMATION: On February 23, 1978, the NHTSA published (43 FR 7451) a notice of proposed rulemaking (NPRM) that would reduce accidents on the Nation's streets and highways by allowing the production of motor vehicle headlamps with greater light output. The proposal was issued in response to petitions for rulemaking submitted by GTE Sylvania, General Motors Corp., Koito Manufacturing Co. Ltd. and General Electric Co.

Federal Motor Vehicle Safety Standard No. 108 (49 CFR 571.108), *Lamps, Reflective Devices and Associated Equipment,* requires motor vehicles other than motorcycles to be equipped with a headlighting system that meets, among other specifications, minimum and maximum photometric output values specified by the Society of Automotive Engineers in SAE standard J579a, Sealed Beam Headlamp Units for Motor Vehicles, August 1965. Under this standard, the maximum candlepower (cp) of headlamps in operation on motor vehicles shall not exceed 75,000. The SAE revised its standard in December 1974 (J579c), one effect of which was to raise the system total output ceiling to 150,000 cp. Shortly thereafter NHTSA added paragraph S4.1.1.33 to Standard No. 108 to allow manufacturers to comply with J579c if they wished, provided that the ceiling imposed by J579a was not exceeded. NHTSA's amendment also imposed maximum design wattage limitations at 12.8 volts. These standards apply to traditional headlamp systems with circular lenses and to a newer system consisting of four lamps with rectangular lenses. When the SAE adopted Recommended Practice J1132 "142 mm x 200 mm Sealed Beam Headlamp Unit", in January 1976, establishing specifications for a two-lamp rectangular headlamp system, NHTSA added S4.1.1.34, effective November 1, 1976, allowing this system, without imposing additional candlepower output restrictions. The reason for this regulatory anomaly was NHTSA's intent to raise the candlepower ceiling on the three other headlighting systems within the near future (now accomplished by this amendment) and the desire not to impose a limitation on manufacturers of the newest system which would be in effect for only a relatively short time. NHTSA research has demonstrated that an increase in photometrics to a maximum of 150,000 cp will enhance seeing ability without any significant increase in glare from properly aimed headlights, but that photometric output exceeding 150,000 cp results in only a marginal increase in visibility with an increase in glare.

In addition, NHTSA proposed establishment of a marking code to be embedded in the lens of each headlamp designed to comply with SAE J579c to enable the agency to determine with ease which version of Standard No. 108 applies to the headlamp, as well as enabling a consumer to replace original equipment headlamps with lamps of compatible photometric output. A marking system identifying headlamps as type "1A", etc. currently exists. The new proposed code consists of three characters. The first is a number indicating the number of beams produced by the lamp, i.e., 1 or 2. The second character is a letter indicating wheth-

er the headlamp is a large or small rectangular or circular headlamp. The final character indicates the version, or requirements, of Standard No. 108 which apply to the lamp. For the present this will be "1", until requirements change to the extent that a new identification number is required, as it is anticipated that future headlighting systems may have different wattages, beam patterns and other characteristics and could not serve as replacements for J579c headlamps.

The agency proposed that types 1A, 2A, and 2B would retain their present nomenclature (plus the final digit), while 5¾ inch diameter (146 mm diameter) headlamps will be identified by the letter "C", and 7 inch diameter lamps (178 mm diameter) with the letter "D". Thus, a Type 2D1 headlamp would be the new identification for a Type 2 (7 inch) headlamp permitted a maximum candlepower output of 75,000. Also on the lens, at a location of the manufacturer's choosing, would be the letters "DOT" certifying compliance with requirements of Standard No. 108. Manufacturers wishing to manufacture high intensity lamps will probably change lens molds anyway to provide other marking and to secure improved beam pattern control.

Other proposed changes include substituting SAE J571d for for J571c and J580b for J580a as two of the referenced standards on headlamps. SAE J571d incorporates Figure 2 of present Standard No. 108 which would be deleted from the body of the standard under the proposal. SAE J580b differed from J580a primarily by the addition of a definition for "aiming screws", changes of the aiming adjustment test procedure, and the requirement of aim retention with specified applied forces.

More than 380 comments on the proposal were received from manufacturers, State motor vehicles officials, and motorists. All comments have been considered. NHTSA has separated the comments into six major areas which will be discussed separately.

I. The Need for High Intensity Headlamps

The major issuer which concerned the commenters was whether there is a need for headlighting systems capable of producing 150,000 candlepower, whether the sealed beam headlamp is the lamp best suited to provide high intensity lighting, and whether this high intensity lighting tends to produce an unacceptably high level of glare.

Motorists who commented to Docket No. 78-5 appear divided on the question of high intensity headlamps. There are those whose driving is largely urban in nature who argue that their present headlamps are adequate for their motoring needs. There are others, however, in rural areas who appear to use the upper beam more frequently than the average driver, and who want a brighter headlighting system for their vehicles. This division of opinion confirmed NHTSA's belief that allowance of higher intensity headlamps should be made on an optional basis and that the manufacture of present design headlamps should continue.

Statistics indicate that there is a significantly greater number of deaths and injuries that occur at night, and that cannot be totally attributed to alcohol or fatigue. A disproportionate number of these occur in rural areas where use of the upper beam is more likely to be required due to lack of ambient roadway light, and to occur in the absence of other vehicular traffic. While it is not possible to determine how many of those casualties could have been prevented by better lighting, it is likely that the rate would have been reduced if the vehicles had been equipped with high intensity headlamps; NHTSA's research data indicates that the average night seeing distance for speeds of 50 mph and higher is less than the average braking distance and reaction time at that speed. NHTSA's review show that a headlighting system using 150,000 candlepower increases nighttime seeing distance by over 20 percent where there are no cars approaching. In addition, research indicates that a sizable number of pedestrian accidents occurring in rural and suburban areas could be reduced by improvements in roadway lighting; it is likely that better headlamps could provide some of these improvements.

Several commenters who are proponents of European unsealed lighting systems questioned whether the sealed beam system is the best medium for a high intensity headlamp, and suggested it would create an unacceptably high level of glare. All of NHTSA's extensive research on vehicle lighting has considered both disability glare, measured in possible loss of seeing distance, and discomfort glare, assessed by test subjects who were scientifically rated for visual acuity and glare tolerance. The subjects undertook on-road driving tests which evaluated their seeing distances while driving cars equipped with different headlighting systems, including the proposed high intensity systems.

The conclusion of the NHTSA research, supported by the findings of other expert researchers, is that the safety of night driving on the upper beam would be improved by the proposed level of intensity, with only minor degradation of seeing distance from misuse of that beam. Glare is a problem even at intensities below 75,000 candlepower. As headlight intensity increases to 150,000 candlepower there is an increase in disability glare, however it is less than proportionate to the increase in intensity. The 20 percent increase in seeing distance when no car is approaching contrasts favorably with the minor degradation in the worst case, when the upper beam is misused. In that case, when two vehicles utilizing 150,000 candlepower headlamps approach each other on the upper beam and both fail to switch to lower beam, seeing distance is reduced only approximately 1.5 percent when compared to a corresponding situation involving vehicles utilizing 75,000 candlepower headlamps. This minor degradation from increased disability glare is transient. Furthermore, high intensity headlights are more readily noticeable and may improve the response of opposing drivers to signals to dim upper beam headlights. NHTSA also recognizes that the level of disability glare experienced when driving is considerably more sensitive to highway environmental factors than to headlight intensity.

In addition to its research, NHTSA has been sensitive to the views of those drivers who report that they are bothered by glare from headlamps of the levels of intensity now permitted. NHTSA has reviewed its own research and has uncovered no data indicating that disability glare (that glare which reduces seeing ability) from current headlamps creates a driving hazard to the average vehicle operator or to older drivers. Discomfort glare varies with drivers, however, and generally the eyes of older drivers are more sensitive to stronger lights whatever their sources.

II. Headlamp Lens Markings

Notice 1 proposed that the lenses of the new high intensity headlamps be marked with an identification code and with the letters "DOT" constituting a certification that the lamps comply with applicable Federal motor vehicle safety standards.

As was to be expected, this aspect of the proposal was of little interest to the general public. Comments were received only from States, manufacturers, and one retailer. Industry did not express strong support for the proposed code, preferring instead to allow each manufacturer to retain its own system of trade numbers as a means of headlamp identification. Most requested that sufficient time be allowed to implement the new code if NHTSA decided to adopt it.

NHTSA has decided to adopt the code as proposed with an effective date of July 1, 1979. The lenses of headlamps have contained a lens code

for several decades as a means of identification and the rule extends the practice in a logical fashion. Trade numbers are not only more numerous than the code characters, but they are changed for specific technical design changes not necessarily related to interchangeability or performance of headlamps. Use of the NHTSA code will simplify lamp replacement for the consumer who will be able to identify a lamp by its universally applicable code number rather than by manufacturers' specific trade number. Since the lens code is visible with the lamp installed and the trade number is not, the code will give consumers and inspection stations a ready means of determining whether a balanced lighting system is installed on the vehicle. The proposal did not specify the minimum size of the characters, and the amendment will allow the manufacturer to choose the size and location on the lens most appropriate for his lamp design.

The great majority of comments opposed mandating use of the "DOT" symbol on the lens. Many felt that placing it above the lens marking code would interfere with beam refraction. Others commented on the cost that would be incurred in changing lens molds. Some suggested that the size and placement of the characters be the manufacturer's choice. Two commented that they felt the proposal was illegal under section 114 of the National Traffic and Motor Vehicle Safety Act which allows equipment items to be certified by a label or tag on the shipping containers as an alternate means to certification on the item itself.

The NHTSA has decided to adopt the proposed means of lens certification as mandatory for the new headlamps, effective July 1, 1979, with the size and placement of the "DOT" characters to be decided by the manufacturers. Thus, there need not be a problem of light interference and the lens mold may be changed at the same time for both the marking and certification code changes. The agency rejects the argument that it is illegal under section 114 to require items of equipment to bear certification markings. Such a requirement is well within the discretion accorded the Administrator under the act and general legal principles, and is consistent with the intent of the framers of the act. The NHTSA currently requires equipment items such as tires and brake hoses to bear the DOT symbol as mandatory certification.

III. Headlamp Wattage

Comments were made on the proposed headlamp wattages requesting increases, decreases, and minor changes. In the proposal the 2A1 headlamp was specified as 40 watts for upper beam and all comments on watts indicated that it should be a higher figure, generally 43 watts. The NHTSA agrees and accordingly has revised the 2A1 wattage to 43 watts.

The wattage for a system using 2A1 lamps would then be 6 watts or 3 percent higher than a system using 2C1 headlamps, whereas the two systems should be allowed the same level of performance. Since there should be no vehicle electrical problems associated with a 3-percent change in a headlamp intended for the aftermarket, the 2C1 headlamp is provided the same maximum of 43 watts on upper beam.

The proposed type 2D1 headlamp wattage of 70 watts for upper beam and 65 watts for lower beam exceeds present system wattages by 15 percent. This value would have provided the same wattage (and therefore performance) for all low beams of all systems and would have provided equivalent performance to the 2B1 headlamp system on upper beam. The comments and NHTSA information both indicate that an attempt to equate systems to this degree could possibly cause some electrical problems on older vehicles using the new lamps as replacement headlamps. Because of this concern of the aftermarket the NHTSA is reducing the wattage of the 2D1 headlamp to 65 watts for upper beam and 55 watts for lower beam.

Some comments recommended only a 1-watt change for some lamps. Such a minor change is insignificant to the effect of lighting performance on vehicle electrical systems and therefore the NHTSA has retained the same values as proposed.

IV. Inclusion of SAE J580b

The proposal to substitute SAE Standard J580b, *Sealed Beam Headlamp*, occasioned some comment. Among other things, J580b requires that headlamp aim be adjustable without removal of trim rings or other vehicle parts.

While it is believed that most of the industry currently conforms to this requirement, several manufacturers commented that leadtime will be required to implement this change. The NHTSA has therefore decided to defer mandatory compliance with this portion of J580b until October 1, 1979.

V. Miscellaneous Changes

In the proposed deletion of paragraph S4.1.1.34, the allowance of two Type 2B1 headlamps on motorcycles was inadvertently deleted and is hereby reinstated. Notice 1 also inadvertently omitted allowance of current low intensity headlamps on passenger cars and motor vehicles less than 80 inches in overall width. This was corrected by Notice 2 (43 FR 16783) and is retained in the amendment.

VI. Other Issues

A sizable number of comments from individuals and suppliers felt that there should be no amendment of existing headlamp requirements without consideration being given to unsealed headlighting systems that meet European standards.

In brief, these headlamps, popularly known as "quartz halogen", do not meet Standard No. 108's requirements for sealed beam construction, and mechanical aimability. Many unsealed systems also exceed the newly increased candlepower maximum of 150,000. These commenters frequently attacked the sealed beam concept as "outmoded" and "40 years behind the times", espouse the do-it-yourself philosophy of headlamp aim, and praise the "superior" lighting provided by their imported unsealed headlamps.

These issues are generally not within the scope of the rulemaking proposal under consideration, but have been considered, where appropriate, as supportive of a desire for better headlighting. It is felt that the sealed headlamps that will be shortly available by virtue of this rulemaking action, which NHTSA understands will utilize the halogen cycle, will provide the brighter lighting that many people seek. The NHTSA has always expressed its willingness to consider alternate technologies supportable by objective data upon which safety performance standards can be based. In recognition of the public interest in the issue, NHTSA has placed relevant public correspondence and other materials in a general reading file "Halogen Headlamps" available for inspection in Room 5108 at 400 Seventh Street SW., Washington, D.C.

In consideration of the foregoing, 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, is hereby amended as follows:

1. Paragraph S3, Definitions, is amended by adding the following definition:

"Type 1" means a headlamp, with only an upper beam filament, whose identification code begins with the numeral "1".

"Type 2" means a headlamp, with both upper and lower beam filaments, whose identification code begins with the numeral "2".

S4.1.1.21 is deleted and a new paragraph S4.1.1.21 is added to read:

S4.1.1.21 The lens of each headlamp designed to conform to SAE Standard J579c, *Sealed Beam Headlamp Units for Motor Vehicles*, December 1974, manufactured on or after July 1, 1979, shall be marked with the symbol

"D
"DOT" or O
T"

which shall constitute a certification that the headlamp conforms to applicable Federal motor vehicle safety standards, and with one of the following designations as appropriate:

(a) A lens for rectangular headlamp (100 x 165 mm) incorporating an upper beam only shall be labeled 1A1.

(b) A lens for a rectangular headlamp (100 x 165 mm) incorporating both an upper beam and a lower beam shall be labeled 2A1.

(c) A lens for a rectangular headlamp (142 x 200 mm) incorporating both an upper beam and a lower beam, shall be labeled 2B1.

(d) A lens for a circular headlamp (146-mm diameter) incorporating an upper beam only shall be labeled 1C1.

(e) A lens for a circular headlamp (146-mm diameter) incorporating both an upper and a lower beam shall be labeled 2C1.

(f) A lens for a circular headlamp (178-mm diameter) incorporating both an upper beam and a lower beam shall be labeled 2D1.

The lens of each headlamp designed to conform to SAE Standard J579c and manufactured before July 1, 1979, may be labeled as specified above.

3. Figure 2 is deleted. Figure 3 is revised to be "Figure 2" and the reference in S4.1.1.22 to "Figure 3" is changed to "Figure 2".

4. Paragraph S4.1.1.33 is revised to read:

S4.1.1.33 At a voltage of 12.8 volts, the maximum design wattage for upper and lower beams on headlamps designed to conform to SAE Standard J579c, *Sealed Beam Headlamp Units for Motor Vehicles*, December 1974, shall be as follows: 55 watts for upper beam on Type 1A1 and Type 1C1, 43 watts for upper beam and 65 watts for lower beam on Type 2A1 and Type 2C1, 70 watts for upper beam and 60 watts for lower beam on Type 2B1, 65 watts for upper beam and 55 watts for lower beam on Type 2D1.

5. Paragraph S4.1.1.34 is deleted and a new paragraph S4.1.1.34 is added to read:

S4.1.1.34 A motorcycle may be equipped with one of the following four headlighting systems:

System	Headlamp type	Number of headlamps
1	Type 1C1 or type 1 (5¾ in.)	1 lamp.
	and either	
	Type 2C1 or type 2 (5¾ in.)	1 lamp.
2	Type 2D1 or type 2 (7 in.)	1 or 2 lamps.
3	Type 1A1 or type 1A	1 lamp.
	and either	
	Type 2A1 or type 2A	1 lamp.
4	Type 2B1 or type 2B	1 or 2 lamps.

6. A new paragraph S4.1.1.35 is added to read:

S4.1.1.35 Each headlamp on a passenger car, multipurpose passenger vehicle, truck, or bus manufactured on or before September 30, 1979, may be designed to conform with SAE Standard J580a, *Sealed Beam Headlamp*, June 1966.

7. A new paragraph S4.1.2 is added to read:

S4.2.2 The words "Type 1 (5¾")," "Type 2 (5¾")," "Type 2 (7")," "Type 1A," "Type 2A," and "Type 2B" appearing in any SAE Standard or Recommended Practice referenced or subreferenced in this standard shall also be read as setting forth requirements respectively for the following types of headlamps: 1C1, 2C1, 2D1, 1A1, 2A1, and 2B1.

8. Paragraph S5.1 is revised to add the following at the end thereof:

The subreferenced Standards and Recommended Practices for headlamps designed to conform to SAE Standard J579c, *Sealed Beam Headlamp Units*, December 1974, are those published in the 1977 edition of the SAE Handbook.

9. The requirements for Headlamps in Table I are revised as follows:

Table 1 - Required Motor Vehicle Lighting Equipment
Multipurpose passenger vehicles, trucks, trailers, and buses, of 80 or more inches overall width

Item	Multipurpose passenger vehicles trucks and buses	Trailers	Applicable SAE Stds. or recommended practices
Headlamps	2 white 7-inch Type 2 headlamp units; or 2 white 5 3/4-inch Type 1 headlamp units and 2 white 5 3/4-inch Type 2 headlamp units; or 2 white Type 2A headlamp units and 2 white Type 1A headlamp units	None	J 580a, June 1966; J 579a, August 1965; J571d June 1976 and J566, January 1960
	2 white headlamps: Type 2B1 or Type 2D1; or 4 white headlamps: 2 each Type 1C1 and Type 2C1, or Type 1A1 and Type 2A1		J 580b, February 1974; J 579c, December 1974; J 571d, June 1976 J 1132, January 1976

10. The requirements for Headlamps in Table III are revised as follows:

Table III - Required Motor Vehicle Lighting Equipment
All passenger cars and motorcycles, and multipurpose passenger vehicles, trucks, trailers, and buses, of less than 80 inches overall width

Item	Passenger cars, multipurpose passenger vehicles, trucks, and buses	Trailers	Applicable SAE Stds. or recommended practices
Headlamps	2 white 7-inch Type 2 headlamp units; or 2 white 5 3/4-inch Type 2 headlamp units and 2 white 5 3/4-inch Type 2 headlamp units; or 2 white Type 2A headlamp units and 2 white Type 1A headlamp units	None	J 580a, June 1966; J 579a, August 1965, J571d June 1976 and J 566, January 1960
	2 white headlamps: Type 2B1 or Type 2D1; or 4 white headlamps: 2 each Type 1C1 and Type 2C1, or Type 1A1 and Type 2A1		J 580b, February 1974; J 579c, December 1974; J 571d, June 1976; J 1132, January 1976

Item	Motorcycle	Applicable SAE Stds. or recommended practices
Headlamps	1 white	J 584, April 1964 and J 566, January 1960.

In evaluating the cost impact of this rulemaking action, the NHTSA has concluded that there will be none with respect to headlamp manufacturers as the amendment provides an optional means of conformance to Standard No. 108. With respect to the requirement of J580b that headlamps be adjustable without removal of trim, it is believed that most manufacturers already comply. Those who do not may find it necessary to modify trim or sheetmetal or grille parts on a one-time basis but it is concluded that these modifications would be minor and that no significant costs would be incurred.

Because the amendment with respect to candlepower relieves a restriction it is made effective July 27, 1978.

The lawyer and program official principally responsible for this rule are Z. Taylor Vinson and Bill Eason, respectively.

(Secs. 103, 112, 114, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1403, 1407); delegation of authority at 49 CFR 1.50.)

Issued on July 20, 1978.

JOAN CLAYBROOK,
Administrator.

[FR Doc. 78-20682 Filed 7-21-78; 3:33 pm]

[4910-59]

[Docket No. 76-06, Notice 5]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Speedometers and Odometers

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation

ACTION: Response to petitions for reconsideration.

SUMMARY: This notice responds to petitions for reconsideration of Federal Motor Vehicle Safety Standard (FMVSS) No. 127, Speedometers and Odometers, published March 16, 1978. Several aspects of the petitions are granted, most notably petitions relating to the even graduation of speedometers and to the effective date for the speedometer requirements. The other aspects of the petitions are denied.

EFFECTIVE DATE: September 1, 1979, with the exception of sections S4.2.1-S4.2.5 which become effective September 1, 1980.

FOR FURTHER INFORMATION CONTACT:

Kevin Cavey, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-2720.

SUPPLEMENTARY INFORMATION: On March 16, 1978, the NHTSA published (43 FR 10919) a final rule establishing FMVSS No. 127, Speedometers and Odometers. The standard sets forth requirements for the installation and accuracy of speedometers and odometers in most motor vehicles, limits the maximum speed which can be indicated on a speedometer and requires that odometers be tamper-resistant.

Petitions for reconsideration of FMVSS No. 127 were received from many interested persons. A discussion of the issues raised by the petitions and their resolution follows. Several of the petitions are repetitious in that they present issues, most notably the safety value of FMVSS No. 127, raised in the comments on the NPRM. No basis is provided for reconsidering those issues. All petitions are denied except as otherwise noted.

SPEEDOMETERS

Even Graduations. Petitioners stated that the requirement that speedometers be evenly graduated was design restrictive, not supported by any safety need, and not preceded by adequate notice. Stewart Warner noted that they have spent over one-half million dollars developing and tooling a new electric speedometer which is more accurate than mechanical speedometers but which has inherently unequally spaced graduations. Chrysler, Volkswagen, the Motor Vehicle Manufacturers Association (MVMA), Ford, American Motors Corp. (AMC), White Motor Corp., and International Harvester also objected to the term "evenly". Rolls-Royce noted that they use a speedometer that has a small decrease in spacing as speed increases. That company requested that these deviations from even graduation be deemed inconsequential. Nissan asked whether it could use a rectangular type speedometer on which the distance between 10 and 25 mph or km/h is not the same as the distance between 40 and 55 mph or km/h.

Although the notice of proposed rulemaking (NPRM) did not expressly mention even graduations, it did raise the issue of the readability of speedometers. Since requiring even graduations contributes to such readability, the agency believes that there was adequate notice.

The NHTSA intended that graduations be substantially "even", not exactly "even". To clarify its intent, the agency is deleting the term "evenly" and rewriting the provision to require that the angular distance between graduations not vary by more than 10 percent. Thus, on a speedometer showing 10, 20, 30 etc., the angular distance between 20 and 30 mph or km/h cannot be more than 10 percent greater or less than the angular distance between 10 and 20 mph or km/h or 40 and 50 mph or km/h. To this extent, the petitions on this point are granted. None of the design problems suggested by the petitioners should occur under this clarification.

Graduations in miles and kilometres. General Motors (GM) and MVMA contended that adequate notice was not given for requiring speedometers to have both kilometric graduations and graduations in miles. The NPRM had proposed that graduations be in either miles of kilometres. AMC also claimed lack of notice, but observed that it currently provides both scales on all of its speedometers.

The NHTSA believes that adequate notice was given since the issuance of kilometric graduations was expressly raised in the NPRM. Further, the agency believes that a proposal setting forth alternatives implicitly carries with it the possibility that one or more of the alternatives may be found to be unacceptable under any circumstance or unless used in combination with other measures. Thus, alternatives may be deleted or made mandatory. The NHTSA also notes that use of both scales is simple and inexpensive and that an estimated 95 percent of all vehicles sold in this country have both scales. Accordingly, the petitions are denied with respect to this issue.

Labeling of scales. GM and MVMA alleged that there was lack of notice for the requirement that the mph and km/h scales on speedometers be labeled. AMC stated that the mph scale should not be labeled.

The agency does not perceive any notice problem regarding this simple and inexpensive requirement. While the NPRM was silent on labeling, it did propose use of either mph or km/h graduations. Given the possibility under the NPRM that either or both scales might appear on a speedometer, the need for the manufacturers to inform motorists which scale or scales had been selected was clear. Further, the issue of speedometer labeling was expressly raised in an NPRM on FMVSS No. 101, Controls and Displays (October 21, 1976, 41 FR 46460). Although that notice paralleled the FMVSS No. 127 NPRM in providing an option regarding mph and km/h units, the agency believes, as noted above, that the proposal of options inherently carries with it the possibility that an option may be made mandatory.

Notwithstanding the foregoing discussion, the labeling requirement is being deleted from FMVSS No. 127 because FMVSS No. 101 is the more appropriate place for such a provision and, in fact, already contains one. Notice for the labeling requirement in

FMVSS No. 101 was provided as described above and by the final rule on FMVSS No. 127.

No indication of speeds greater than 85 mph or 140 km/h. GM argued that disallowing any indication that the speed being traveled by a vehicle had exceeded the scale of its speedometer is design restrictive and would necessitate the "pegging" of speedometers at 85 mph. GM also alleged that inadequate notice had been given for requiring not only that there be no graduations above 85 mph or 140 km/h, but also that speeds greater than those levels not be otherwise indicated.

Contrary to GM's suggestion, "pegging" would not be necessary. Manufacturers could comply by designing their speedometers so that the moving speed indicator is visible only when registering speeds not greater than 85 mph or 140 km/h. The manufacturers could mask the indicator by, for example, using a metal or plastic shield or placing opaque paint on the inside of the glass covering of the speedometer.

The NPRM preamble referred to both limiting the speedometer scale and to limiting the maximum speed indication, while the proposed rule itself provided that speedometers could not display values greater than 85 mph or 137 km/h. The displaying or showing of values greater than those levels can be done in several ways. One is to mark graduations and/or numerals for such speeds. The preamble makes clear that that way would be proscribed. Another way is to allow the needle or other speed indicator to travel beyond 85 mph and permit motorists to estimate the higher values or speeds. The preamble made clear that the proposal prohibited that way too.

In addition, a proposal published on December 1, 1970 (35 FR 18295), solicited public comments on masking speedometer faces so that no excessive speeds could be indicated. Accordingly, the agency concludes that notice was adequate. The petitions are denied in this respect.

Expansion of exemption from maximum speed indication. The final rule provides that the 85 mph-140 km/h speedometer limitation does not apply to speedometer designed for use in or installed in passenger cars sold to a law enforcement agency for law enforcement purposes. Suzuki petitioned to have this exemption extended to motorcyles sold for the same purposes.

Based on the information available to the agency, there does not appear to be a need to extend the exemption as requested by Suzuki. While motorcycles are sold to law enforcement agencies, the agency believes that the operation of these vehicles above 85 mph is not only an uncommon event, but also may be an unsafe practice given the absence of any protection for the rider. Accordingly, the petition is denied.

Indicating and highlighting 55 mph. The final rule requires that each speedometer include the numeral "55" and highlight the numeral or otherwise highlight on the speedometer the point at which the vehicle's speed is equalling 55 mph. MVMA, GM, and AMC objected to this provision because of alleged lack of notice. GM made several other comments. It stated that there are other equally enforceable speeds and that highlighting 55 might encourage drivers to pay less attention to those other speed limits. GM also stated that it had no objection to indicating and highlighting 55 if it were permitted to undertake those measures voluntarily so that it could phase them in with instrument panel changes.

The NPRM devoted several paragraphs to the 55 mph speed limit. The goal of promoting compliance with the 55 mph speedlimit through this rulemaking was expressly raised. The final sentence in those paragraphs read as follows: "This proposed standard for reduced maximum speedometer indication has been initiated to *help maintain these lower speeds* at minimum costs." (Emphasis added.) Highlighting 55 mph is consistent with that clearly announced goal. Like maximum speedometer indication, it is a very low cost requirement. The agency concludes that sufficient notice was afforded. It further concludes that there is no substantial basis for the suggestions made by GM about possible driver reaction to highlighting 55 mph. Thus, the petitions are denied with respect to indicating and highlighting 55 mph.

Speed equalling 55 mph. White Motor Corp. asked whether NHTSA concurs in White's interpretation of "vehicle speed in equalling 55 mph" to mean an actual vehicle speed of 51 to 59 mph, while the speedometer pointer registers 55 mph. The agency concurs. The range of speed mentioned by White was derived from the tolerances for the standard's accuracy requirement for speedometers. That requirement provides that speedometer must be accurate to within plus or minus 4 mph. The 55 mph indicating and highlighting requirement does not affect that range. Thus, the quoted language means "traveling at 55 mph as indicated on a speedometer meeting the accuracy requirements of FMVSS No. 127."

Method of highlighting 55 mph. White Motor Corp. asked if the agency concurred in that company's interpretation of the highlighting requirement that if the numeral "55" is printed in the same color as the other numbers on the speedometer scale, then a graduation for 55 mph on the scale is required; but if the numeral "55" is printed in a different color, the graduation is not necessary. Dixson asked what constitutes highlighting. Highlighting consists of any method of placing emphasis on the numeral "55" so that it stands out from the other numerals on the mph scale. Use of different colors is one such method. Other methods of highlighting include putting "55" on a different color background that the other numerals on the scale or drawing the outline of a geometric shape such as a circle or diamond around "55". Thus, only if White used none of these or other methods of highlighting "55" would it have to put a graduation on the scale for that speed.

Suppressed zero needle. Rolls-Royce and Nissan indicated that they use a speedometer with a suppressed zero needle (i.e., a speedometer on which the lowest measured speed is greater than zero) and asked whether such a speedometer is permitted under FMVSS No. 127. The answer is "yes."

Reading speed indication. White Motor Corp. asked whether the NHTSA would read the high side or low side of the speedometer needle and graduations in determining compliance with the speedometer accuracy requirement. The agency will read the approximate center of the needle and of the graduations.

Application of speedometer requirements to vehicles with GVWR over 16,000 pounds. Dixson asked if the speedometer/odometer in a vehicle with a GVWR greater than 16,000 pounds must meet the speedometer requirements in FMVSS No. 127. The answer is "yes." It is only the odometer requirements in that standard from which such a vehicle is exempted.

Odometers

Irreversibility and indication of tampering. The final rule requires that odometers have a distance indicator that "is movable in the forward direction only." The NPRM proposed that odometers either indicate when they have been turned in the reverse direction or be designed so that they cannot be turned in the reverse direction. GM objected to the deletion of the first option, indicating that it probably would have elected to comply with that option, and alleged lack of notice for the deletion. Ford, Nissan, and Smiths Industries, Ltd., indicated that some currently produced odometers allow reversal up to either 1.0 mile or 0.5 mile and requested an interpretation that the prohibition against reversibility applies only to whole units of distance since 0.1 units are not mandated by FMVSS No. 127. Volkswagen and Stewart Warner indicated that they produce odometers

that reverse up to 10 miles (16 kilometres) and that redesign and retooling to make ones that do not reverse at all would cost from $750,000 to $1,000,000. They stated that there is no demonstrated safety benefit in precluding this reversal and that allowing such limited reversal would not defeat the intent of this prohibition. Thomas D. Regan suggested that each odometer have distance indicators that move only after a given number of rotations of preceding indicators and that will break when subjected to pressure that could cause them to move without rotations by the preceding indicators.

The agency has decided to amend the rule to restore, with slight clarification and modification, the two options in the proposal. Thus, GM's argument regarding notice, which is without merit, is also moot.

In the final rule, the agency dropped the option for indicating reversal of an odometer primarily because it appeared that one method for providing that indication could be easily circumvented. That method consists of a plastic piece that becomes visible if the odometer wheels are forced apart to separate the driven wheel from the drive wheel. That plastic piece can be fairly easily removed, leaving no trace of the tampering.

As restored to the standard, the indication-of-reversal option strongly resembles the indication-of-reversal provision suggested by Chrysler in its comments on the NPRM. In the case of a mechanical odometer, the option requires that the odometer use a means readily visible to the driver for permanently marking the numerals on the ten thousands miles or kilometres wheel as they disappear from the driver's view. Such means would include devices for scratching a line through the numbers on the odometer (so that the numbers are partially obliterated) or for drawing a line through them with indelible ink as they disappear when the odometer rotates forward. The scratching of inking would become visible if the odometer were reversed. An ink that could be almost thoroughly erased so that only faint traces remain would not comply unless the method for removing the ink also visibly scarred the numbers. Since the plastic piece mentioned in the immediately preceding paragraph could be removed, it is not permanent and therefore is impermissible.

Given the variety of means of compliance with this option, the agency has not specified a single criterion for being "readily visible." However, the agency interprets the term to mean that if inking is used, the color must contrast with both the color of the numerals and the color of the background for the numerals. In the agency's opinion, a scored or inked line that is one thirty-second of an inch wide would be sufficiently wide to be readily visible. Lines of lesser width may be insufficient.

In the case of an electronic odometer, the indication-of-reversal option requires that there be means readily visible to the driver for indicating if the distance registered on the odometer has been reduced by one or more ten thousands of miles or kilometres. Thus, if an electronic odometer registers 65,000 miles before resetting and 45,000 after resetting, the ten thousands digit must indicate the reversal until the numeral 6 reappears in that position.

The agency urges manufacturers to aid motorists in understanding the purposes of any markings made on odometers pursuant to this standard. One of the best ways for doing so would be to include explanatory illustrations and written discussions in the vehicle owner's manual.

In the NPRM, the option for indicating reversal would have applied to all wheels or digits. The reason for limiting the requirement to the ten thousands wheel is that reversal of that wheel or digit is necessary to make any substantial change in odometer readings. The average reversal of an odometer involves lowering an odometer reading by about 30,000 miles. To discourage reversal of the ten thousands wheel or digit, it is necessary that the indication of reversal be prominent. Achievement of that prominence would not be possible if not only that wheel or digit but also all of the wheels or digits registering lesser units (i.e., thousands, hundreds, tens, ones, tenths) of distance were also required to indicate reversal. Accordingly, this notice revises the rule to require that only the ten thousands wheel or digit indicate reversal.

The indication-of-reversal option is subject to a further limitation. As proposed, it would have required that reversal be indicated regardless of the mileage accumulated on the odometer. For example, the reversal from 120,000 to 100,000 would have had to be shown as well as the reversal from 70,000 to 50,000. Showing the former reversal would be difficult for an odometer with 5 digits, i.e., one which could register up to 99,999 and then would turn forward to 00000. Since the ten thousands wheel would be marked as it turned from 0 through 9 and back to 0, the 0 would be marked when it reappeared to indicate 100,000. Thereafter, the mark would cease to indicate clearly that reversal has occurred since the mark would appear around the total circumference of the wheel. An equally possible meaning would be simply that the odometer had been rotated beyond 100,000. The only way to avoid the ambiguity of the mark's meaning would be for the manufacturers to install two marking devices that would make two different marks. The value of a second marking device seems limited. The mark of the single device would alert potential buyers that either the odometer had been reversed or the vehicle had gone over 100,000 and most vehicles are not operated far beyond 100,000–120,000 miles. Accordingly, the indication-of-reversal option requires only that reversal be indicated if reversal occurs before the odometer has exceeded 100,000.

The second option, the irreversibility one, has been clarified. It requires that odometers not be reversible unless the odometer is permanently rendered inoperable. This option is not satisfied by an odometer that may be reversed simply by temporarily removing a component. The agency disagrees with GM's suggestion that the irreversibility option is impracticable. Further, GM can elect to comply with the indication-of-reversal option.

The agency agrees that allowing a reversal of up to 10 miles would not significantly detract from the ability of the standard to meet its goals. Accordingly, odometers manufactured in accordance with the irreversibility option may be reversed up to 10 miles. Odometers meeting the indication-of-reversal option are not subject to any limitation on the amount that they can be reversed.

The provisions in FMVSS No. 127 for increasing the tamper-resistance of odometers will be strongly supplemented by the prohibitions in the Motor Vehicle Information and Cost Savings Act against odometer tampering. Violation of those prohibitions subjects a person to civil penalty of up to $1,000 and criminal penalty of up to $50,000 and 1 year imprisonment. For example, section 404 makes it unlawful for any person or his agent to disconnect, reset, or alter the odometer of any motor vehicle with the intent to change the number of miles indicated thereon. This provision would be violated by any person who altered the device for marking the ten thousands wheel so that the device ceased to mark the wheel and who intended to roll back the odometer at a later time. The motive to make such an alteration is most likely to arise with respect to a vehicle that is expected to accumulate abnormally high mileage within its first year or two of operation. Section 404 would also be violated if a person reduced the mileage shown on a vehicle's odometer. Section 407 prohibits replacing one odometer with another unless the replacement odometer is set to the same mileage or, if such setting

is not possible, a notice of replacement is attached to the vehicle.

Trip odometers. Several petitioners inquired whether the odometer requirements apply to trip odometers (i.e., the supplementary, resettable odometers typically used for recording trips of relatively short distance and duration). The answer is "no."

Odometer labels. The final rule requires that odometers measuring distance in kilometres be labeled "km/h." This obvious and inadvertent error was pointed out by Ford and AM. The label should read "km." This labeling requiring is being deleted from this standard since the same requirement appears in correct form in a recent amendment to FMVSS No. 101.

Measuring of tenths of miles or kilometres. The rule requires odometers to measure in 1-mile or 1-kilometre units. The National Bureau of Standards urged that odometers be required to measure in 1/10 units. The Bureau indicated that the motor vehicle industry might add another whole unit digit at the expense of the 1/10 unit digit as a means of complying with the requirement that odometers indicate when they have gone beyond 99,999 miles or kilometres, as appropriate. The agency does not believe that the manufacturers are likely to drop the 1/10 unit digit. The manufacturers have indicated that motorists find that digit highly useful and that they will therefore retain it. Accordingly, the Bureau's petition is denied. In the unlikely event that the manufacturers did begin to drop the 1/10 unit digit, the agency would initiate appropriate rulemaking action.

Exemption for certain trucks. International Harvester asked that the 16,000 pound GVWR upper limit on the applicability of the odometer requirements be lowered to 14,800 pounds in the case of trucks. The basis offered for the request was the fact that the company builds vehicles that fall within 14,800-16,000 pound GVWR range and that use maintenance records instead of odometers for determining vehicle condition. The agency believes that the 16,000 pound GVWR limit should be retained because it is reasonable, it was the figure recommended by most vehicle manufacturers, and it corresponds to the figure used in the odometer disclosure requirements (49 CFR Part 580). Further, International Harvester did not suggest that compliance would be particularly difficult or costly for the trucks in question. Therefore, the petition is denied.

Test Conditions and Procedures

Testing distance. The rule requires that speedometers and odometers be tested for compliance with the accuracy requirements for a distance of 100 miles at speeds of 20, 40, and 55 mph. The agency intended that both odometers and speedometers could be simultaneously tested to lower compliance testing time and costs for manufacturers. GM alleged lack of adequate notice since the NPRM did not specify any test distance for speedometers. Suzuki suggested reducing the test distance to 10 miles. Volkswagen, Oshkosh Truck Corp., and International Harvester commented that the accuracy of speedometers could be determined over distances shorter than 100 miles for each of the test speeds. Several commenters suggested a bench test for measuring speedometer accuracy.

The agency believes that the comments regarding shorter test distances have merit. The agency has concluded that odometer accuracy can be adequately tested by driving a vehicle at each of the test speeds a distance of 10 miles in the case of vehicles whose odometer measure tenths of miles or kilometres and 25 miles in the case of a vehicle whose odometer does not measure distance in units less than whole miles or kilometres. The NHTSA has concluded further that the rule need not specify any test distance for speedometers. The instant that a vehicle's speedometer registers each of the specified test speeds, the agency will simultaneously record the actual vehicle speed. Thus, at any instant during the odometer accuracy test at a given test speed, speedometer accuracy can also be determined.

Road surface, temperature and vehicle preparation. Test conditions relating to road surface, temperature and the distance that vehicles are driven before testing are in the final rule, but did not appear in the NPRM. GM alleged lack of notice for these test conditions. Volkswagen indicated that the test conditions should specify the use of smooth surfaces with grades within plus or minus 2 percent. Instead of specifying the temperature in the driver's compartment, Volkswagen suggested that the temperature in the immediate vicinity of the speedometer and odometer be specified.

The types of test conditions added by the final rule are frequently included in the list of test conditions for an over-the-road test of motor vehicle performance. More important, the test conditions in question were added in direct response to comments on the NPRM by Chrysler, GM, and other manufacturers. Those comments establish that the public had notice regarding these test conditions. With regard to Volkswagen's comments, the agency believes the conditions in the rule now are sufficiently specific to insure repeatable, consistent results. The petitions are, therefore, denied with respect to this issue.

Heavy duty truck test weight. The rule provides that vehicles are tested at unloaded vehicle weight, plus 300 pounds (including driver and instrumentation). Ford recommended that the trucks over 10,000 pounds GVWR be tested at a weight equal to the GVWR instead of at their unloaded weight plus 300 pounds. White Motor Corp. made the same request for trucks over 16,000 pounds GVWR. These petitioners explained that they are uncertain about the completed design and weight of the incomplete trucks that they sell and thus cannot determine the unloaded vehicle weight. Conversely, GVWR is a known quantity. The agency believes that the recommended changes are reasonable and amends the final rule to provide that vehicles over 10,000 pounds GVWR be tested at their GVWR.

Test speeds. The National Bureau of Standards recommended that the test speeds specified in the speedometer and odometer accuracy requirements be restated in the section on test conditions. The agency believes that such repetition is unnecessary and therefore denies this petition.

Measuring speed of vehicles lacking odometer. White Motor Corp. asked how the NHTSA would check for compliance with the speedometer accuracy requirements in the case of a vehicle that was not required to have an odometer and for which its manufacturer had elected to use a shaft speed of other than 1,000 revolutions per mile. The question appears to assume that test speeds and distances could be determined by speedometers and odometers whose measurements vary from actual vehicle speed or distance to the extent permitted by this standard. That is an incorrect assumption. The test speeds and distances will be precisely measured by this agency.

Tires. White Motor Corp. asked whether the agency concurred in its interpretation that "tires recommended by the vehicle manufacturer" are those actually installed by them on the vehicle. "Recommended tires" would include those tires if they are not overloaded. The term would also include tires which the manufacturer does not actually install, but nevertheless recommends for use on the vehicle.

Spelling of "kilometre". The National Bureau of Standards objected to the spelling "kilometre" and stated that the Department of Commerce and the Interagency Committee on Standards Policy recommended the spelling "kilometer". The spelling of "kilometre" in FMVSS No. 127 is of limited significance since neither that standard nor FMVSS No. 101 requires that term be used in any labels. The NHTSA will abide by whatever decision is made by the U.S. Metric Board regarding the

desired spelling. Accordingly, this petition is denied.

The agency is making a technical clarifying amendment to the requirement for indicating when odometers have gone beyond 99,999 miles or kilometres. The standard states that one way of providing that indication is to add a sixth wheel. Since electronic odometers do not have wheels, this notice adds the words, "or digit" to avoid any question about the permissibility of a sixth digit as a means of compliance.

Effective date. GM suggested that since speedometers and odometers are designed as an integrated unit, that the same effective date should apply to both. Volkswagen requested a 1980 date for the speedometer provisions to allow for accuracy and face changes. The NPRM was issued in December 1976, with a proposed effective date of September 1, 1979. Since the requirements are simple and inexpensive and since no petitioner established that the leadtime provided by March 1978 final rule is insufficient to enable the manufacturers to achieve compliance, the petitions are denied with respect to the extension of leadtime.

Future rulemaking. The agency is contemplating further rulemaking to make additional improvements in the protection against odometer tampering. One measure would be to require that aftermarket odometers be colored so that they are distinguishable from original equipment odometers. Comments are solicited on this and other measures for reducing odometer-tampering.

In consideration of the foregoing, 49 CFR 571.127, Motor Vehicle Safety Standard No. 127, is revised to read as set forth below.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50.)

Issued on July 21, 1978.

JOAN CLAYBROOK,
Administrator.

Standard No. 127 is revised as follows:

§ 571.127 Standard No. 127; Speedometers and Odometers.

S1. *Scope.* This standard establishes requirements for the installation and accuracy of speedometers and odometers in motor vehicles, limits the speed which can be indicated on a speedometer, and requires that odometers be tamper-resistant.

S2. *Purpose.* The purpose of this standard is to insure that each motor vehicle is equipped with accurate and reliable instruments needed for monitoring driving speeds, maintaining proper vehicle maintenance schedules, and providing an indication of the vehicle's probable condition.

S3. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, motorcycles, and buses, and to speedometers and odometers for use in vehicles to which this standard applies. Motor driven cycles whose speed attainable in 1 mile is 30 mph or less are excluded.

S4. *Requirements.*

S4.1 *Speedometer.*

S4.1.1 Each motor vehicle shall have a speedometer that meets the requirements of S4.1.2–S4.1.4 of this section.

S4.1.2.1 Each speedometer shall be graduated in miles per hour and kilometres per hour. The angular distance between graduations shall not vary more than 10 percent.

S4.1.2 Each speedometer shall indicate a speed that is not more than 4 mph greater than or 4 mph less than the actual vehicle speed when tested under the conditions specified in S5 at speeds of 20 mph, 40 mph, and 55 mph in a vehicle to which this standard applies and for which the speedometer is designed. If the speed attainable in 1 mile under the test conditions specified in S5 is less than any of the test speeds specified in the preceding sentence, the speedometer shall be tested at the attainable speed instead of the greater specified test speeds.

S4.1.3 No speedometer shall have graduations or numerical values for speeds greater than 140 km/h and 85 mph and shall not otherwise indicate such speeds. This paragraph does not apply to a speedometer designed for use in or installed in a passenger car sold to a law enforcement agency for law enforcement purposes.

S4.1.4 Each speedometer shall include the numeral "55" in the mph scale. Each speedometer, other than a digital speedometer, shall highlight the number "55" or otherwise highlight the point at which the vehicle speed is equaling 55 mph.

S4.2 *Odometer.*

S4.2.1 Each motor vehicle with a gross vehicle weight rating of 16,000 pounds or less shall have an odometer that meets the requirements of S4.2.2–S4.2.5 of this section.

S4.2.2 Each odometer shall be capable of indicating distance traveled either, at the manufacturer's option (1) from 0 to not less than 99,999 miles in 1-mile units, or (2) from 0 to not less than 99,999 kilometres in 1-kilometre units, or (3) both.

S4.2.3 As installed in the vehicle for which it is designed, each odometer, other than a motorcycle odometer, shall clearly indicate to the vehicle driver by a sixth wheel or digit, registering whole miles or kilometres, or by a permanent means such as inking, when the number of whole miles or whole kilometres, as appropriate, has exceeded 99,999.

S4.2.4.1 Each odometer shall comply with, at the manufacturer's option, either S4.2.4.1.1 or S4.2.4.1.2.

S4.2.4.1.1 Except as provided in S4.2.4.2, the odometer shall have a distance indicator that cannot be reversed unless the odometer is rendered permanently and totally inoperable.

S4.2.4.1.2.

S4.2.4.1.2.1 In the case of a mechanical odometer, the odometer shall heavily score, indelibly ink or otherwise mark by permanent means readily visible to the driver each numeral on the wheel registering ten thousands of miles or kilometres as the numeral disappears from the driver's view.

S4.2.4.1.2.2 In the case of an electronic odometer, the odometer shall indicate by means readily visible to the driver if the distance registered on the odometer has been reduced by one or more ten thousands of miles or kilometres.

S4.2.4.2 An odometer manufactured in compliance with S4.2.4.1.1 may be reversible up to a distance not greater than 10 miles.

S4.2.5 Each odometer shall indicate a distance that is not more than 4 percent greater than or 4 percent less than the actual distance traveled when tested under the conditions specified in S5 for 10 miles in the case of odometers which measure tenths of miles or kilometres and 25 miles in the case of odometers which do not measure distance in less than whole miles or kilometres, at the speeds specified in S4.1.3, and in a vehicle to which this standard applies and for which the odometer is designed.

S5. *Test conditions.* The following conditions shall apply to the tests of speedometer and odometer accuracy.

S5.1 Each vehicle with a gross vehicle weight rating of 10,000 pounds or less is at unloaded vehicle weight, plus 200 pounds (including driver and instrumentation) for motorcycles, and plus 300 pounds (including driver and instrumentation) for other vehicles. The additional weight is distributed in the front seat area. Each vehicle with a gross vehicle weight weight rating.

S5.2 The vehicle is equipped with tires recommended by the vehicle manufacturer.

S5.3 Tire tread depth is not less than 90 percent of the original tread depth.

S5.4 Vehicle adjustments, including tire pressure, are made according to the vehicle manufacturer's recommendations.

S5.5 Tests are conducted on a dry surface.

S5.6 Tests are conducted at any internal, driver compartment temperature between 65 and 80 degrees Fahrenheit, inclusive.

S5.7 The vehicle is driven not less than 5 miles before a test begins.

[FR Doc. 78-20684 Filed 7-21-78; 3:46 pm]

[4310-55]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Opening of Browns Park National Wildlife Refuge, Colo., to Big Game Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulation.

SUMMARY: The Director has determined that the opening to big game hunting of Browns Park National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: Archery deer season, September 2 through September 24, 1978, inclusive. Antique firearm season, September 9 through September 17, 1978, inclusive. Rifle deer season, October 14 through October 18, 1978, inclusive, and November 4 through November 8, 1978, inclusive.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Browns Park National Wildlife Refuge, Greystone Route, Maybell, Colo. 81640, telephone: 303-365-3695.

SUPPLEMENTARY INFORMATION:

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Public hunting of deer is permitted on the Browns Park National Wildlife Refuge, Colo., except in those areas designated by signs as closed to hunting. These areas are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue, P.O. Box 15486, Denver, Colo. 80215. Big game hunting shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

JAMES A. CREASY,
Refuge Manager, Browns Park National Wildlife Refuge, Maybell, Colo.

JULY 10, 1978.

[FR Doc. 78-20801 Filed 7-26-78; 8:45 am]

[4310-55]

PART 32—HUNTING

Opening of Crab Orchard National Wildlife Refuge, Ill., to Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to whitetailed deer hunting of Crab Orchard National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES:

AREA I AND III

October 1-November 16, 1978—Bow.
November 17-November 19, 1978—Shotgun.
November 20-December 7, 1978—Bow.
December 8-December 10, 1978—Shotgun.
December 11-December 31, 1978—Bow.

AREA II

November 17, 1978 through November 19, 1978—Shotgun.
December 8, 1978 through December 10, 1978—Shotgun.

FOR FURTHER INFORMATION CONTACT:

Wayne D. Adams, Project Manager, Post Office Box J, Carterville, Ill. 62918, telephone number 618-997-3344.

SUPPLEMENTARY INFORMATION:

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

White-tailed deer hunting is permitted on the Crab Orchard National Wildlife Refuge, Ill., only on the areas designated by signs as being open to hunting. These areas comprising 21,000 acres as area II and 23,000 acres as areas I and III are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, Department of the Interior, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. White-tailed deer hunting shall be in accordance with all applicable State of Illinois regulations, refuge special restrictions furnished the hunters in a letter provided to them, and the following conditions:

AREA II

1. Hunting is prohibited within 100 yards of roads open to public travel, buildings, and areas posted as "closed."
2. Each hunter must possess a special permit, issued by the Illinois Department of Conservation, showing the 3-day season he/she is to hunt.
3. Upon checking into the fire station, each hunter will be issued a numbered tag. Immediately upon reducing a deer to possession, the metal tag must be securely affixed to the deer's hind leg, between the leg bone and tendon. The deer will not be transported without the tag being securely fastened to the leg.
4. All deer taken must be checked in at the refuge check station before being transported outside refuge boundaries.

AREAS I AND III

1. Hunting is not permitted from a tree, raised platform, or scaffold.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comment at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

WAYNE D. ADAMS,
Project Manager.

JULY 18, 1978

[FR Doc. 78-20802 Filed 7-26-78; 8:45 am]

[4310-55]

PART 32—HUNTING

Opening of Ouray National Wildlife Refuge, Utah, to Big Game Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to big game hunting of Ouray National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: Archery deer season, August 19 through September 4, 1978, inclusive. Rifle deer season, October 21 through October 31, 1978, inclusive.

FOR FURTHER INFORMATION CONTACT: